



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: July 22, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian Harris, Planning and Zoning Administrator

Subject: **Charles Morgan (petitioner) and 526 DW Highway, LLC. (owner)** – Special Exception under Section 2.02.3(C)(1) of the Zoning Ordinance to permit an accessory retail and wholesale automobile and equipment auction use within the C-2 (General Commercial) District. The parcel is located at 526 D.W. Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. Case # 2015-22.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject property is an 8.353 acre parcel located at 526 DW Highway in the C-2 (General Commercial) District and Elderly, Aquifer Conservation, and Wellhead Protection Overlay Districts. The property is serviced by public water (MVD) and sewer. The site is abutted by commercial property to the east, Eversource (PSNH) property to the west, commercial and multi-family residential to the south, and the FE Everett Turnpike to the north.

The property is currently the site of Vault Motor Storage (formerly Zylas) and recently received approval from the Planning Board for a 44,000 s.f. building located in the back of the lot for additional storage of vehicles, boats and RV's (same as the existing buildings).

The petitioner seeks a Special Exception to permit the sale or storage of used and new cars in the C-2 (General Commercial) District, by using the existing storage building for car auctions held once a week. The Board may want to clarify with the petitioner whether the auction will utilize both outdoor and indoor space for car storage or just the existing indoor storage space, as well as days/times the auction will occur and days/times cars will be brought on site for the auction. The Board may also want to clarify whether any site changes will be necessary to facilitate the car auction business.

Standard of Review:

It is the burden of the petitioner to demonstrate that the 4 criteria for the granting of a Special Exception from Section 2.02.3(C)(1) of the Zoning Ordinance have been met:

- a) The specific site is an appropriate location for such a use or uses in terms of overall community development,
- b) The use as developed will not adversely affect the neighborhood,

- c) There will be no nuisance or serious hazard to vehicles or pedestrians, and
- d) Adequate and appropriate facilities will be provided for the proper operation of the proposed use or uses.

cc: Correspondence & Zoning Board File
ec: Charles Morgan, owner
Carol Miner and Fred Kelley, Building Department